1878.
(L.R.)

File No. 39/78.
Serial No: 1-5.

Sub:- Rules in respect of Orientation of Inam lands.

(20)

G. R. S. IX-5]

Previous references.

LR 29/76

1878

191.

(Land Revenue)

LR File No. 39/78

Serial Nos. 1 – 5

Later references.

LR 27/80 LR 41/78
LR 24/81

LR 26/80
" 40/78
" 45/87

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1–5

Major ~~Part~~ B for

SUBJECT.

Rules in respect of Alienation of Inam lands.

K. Ramasubbayya

Indexed

W D 88—GPB—50,000—24-7-16

General No: 2368
R. 35

Mysore Chief Commissioner's Office
Revenue Department
Camp Mysore 12th June 79

To.
The Secretary to the
Government of India
Foreign Deptt.
Simla

Sir

I am directed by the Chief Commr. to bring under the reconsideration of His Excellency the Viceroy and Governor General in Council the rules recently made in respect of the alienations of Inam lands belonging to religious and charitable Institutions, and which were sanctioned by the Govt. of India in their letters Nos. 89 & 105 dated 13th September and 29th October 1877 respectively, not without some misgiving.

2. These rules, it appears to Mr. Gordon, unnecessarily sanction alienations made

prior

1879.

No. 39.

Dated 12th June
sent 14th —
Rec'd 16th —

General No. 2368

18. 35

From the Secretary of State, Augusta

L 105 not read with this

prior to 1853, for which there do not exist sufficient grounds. Such alienations are in their very nature improper and invalid, and have no claims to recognition. Under the Limitation Act, sixty years' possession alone would be a bar to the re-covery of the lands granted for such public purposes; and even in the cases in which the recovery of the lands is barred by the Act, there could be no objection to the alienated lands being brought under full assessment.

3. The Survey and Inam Comm^{r} and the Inam Supt^{t} who have been again consulted on the subject concur in the above views, and

and the Chief Commr therefore requests that the sanction of the Government of India may be given for cancelling the rules. They have not yet been given effect to to any considerable extent.

I have &c a

Revd Secy

D.O. 50/29

No 57 I. R.

(10)

From

The Under Secretary to the
Government of India,

To

The Chief Commissioner of Mysore.

Dated Simla, the 15th July 1879.

Foreign dept.
Revenue

Sir,

I am directed to acknowledge your Secretary's letter No. 2360 R. 35, dated 12th June 1879, recommending the cancellation of the rules providing for the restoration to religious and charitable institutions in Mysore of inam lands which had been unauthorizedly alienated from them.

2. In reply I am to say that upon general considerations the necessity of so soon altering rules formally confirmed and probably published, is to be regretted. Before, however, passing orders on your proposal, the Governor General in Council desires to be informed what will be the effect of cancelling these rules, especially upon those lands in Class II of which no redemption took place under Sir M. Cubbon's Notification dated 31st January 1853.

I have the honor to be,
Sir,
Your most Obedt. Servt.

for Under Secretary to the
Government of India.

H. No 1619
11

Mysore C. Comrs Office
Revenue Department
Dated 29th July 1879.

To. (19) (11)

The Secretary to the
LR 39-78-3 Government of India,
Foreign Dept.
Simla.

Sir,

In reply to your Under-Secretary's letter dated the 15th Instant, No. 57. I.R., I am directed by the Chief Commissioner to state that where Inam lands of religious and charitable institutions which have been alienated, whether prior or subsequent to 1853, are not redeemed, or restored to the institutions, they will be resumed and subjected to full assessment. It will be seen that no guarantee was given

B&Y
24/7

after due notice

in regard to them
by Sir Mark Cubbon's
Notification of 31st January
1853 - On the contrary,
the Notification held
such alienations of
the Inams from the services
for which they were given,
to be invalid, and ruled
that in the event of
the Inams not being re-
deemed by the original
proprietors, or the alienees
not
themselves undertaking
the services for which
the Inams were given,
"the Inams should escheat
to the Sirkar", that is to say,
the Inam tenure for which
there was no longer any
occasion should cease
and the land subjected
to full assessment. It
will be further seen
that this was the view

held by the Imam Superintendent in his letter of the 25th February 1876, with which the correspondence* on the subject commenced, and it was also the view expressed by the Govt of India in the letter from the Foreign Deptt dated the 13th September 1877, No 89.

2. The Chief Commr desires to add that he is sensible of the inconveniences of altering rules once formally passed. In the present case, however, effect has not as yet been given to the rules to any extent, so that no difficulties are likely to arise from their cancelment; whereas any deviation, such as that sanctioned by

* Vide accompanying printed Correspondence.

Note. A clean copy of the C.C.'s Pro: No 748 3 8/17th Nov 77 will be sent to Govt. 24

1879.

D

To

The Secretary to the
Govt of India Foreign Dept
Simla.

the Rules from the long-established and well-known principle that Service Inam tenures are resumable whenever they are separated from the services, is sure to be attended with many complications.

I have &c.a

Rev: Secretary

D
Despt 29th July 1879
Rec'd 8/8/79

Enc: Printed compendium.

General No 1619 a/pro. L

States, with reference to No: 57 J. R dy 15th July 1879, that where Inam lands of religious and charitable institutions which have been alienated, whether prior & subsequent to 1853, are not redeemed & restored to the institutions after due notice, they will be resumed & subjected to full assessment.

Y

No 75 - S.R.

(12)

From LR 39-78-4

No 3345/63

To

The Secretary to the
Government of India,

The Chief Commissioner
of Mysore.

Foreign Dept
Revenue } Dated, Simla, the 13th Sept 1879.

Sir,

I am directed to
acknowledge your letters
No 2368/35 dated 12th June 1879.
No 1619/11 dated 29th July 1879. } marginally noted
in which you
recommend, with special
reference to the alleged
inexpediency

inexpediency of Rule II, Clause A, the entire cancellation of the Rules published under Notification dated 17th Nov. 1877, which provided for the restoration in certain cases to religious institutions of lands, which had been without authority, alienated from them.

2. The Rule cited above decided that Temple grants alienated between the years 1817 and 1853, and held revenue-free since then, should, unless voluntarily restored to the Temple by the holders,

be

be assessed at half rates,
and confirmed; the said quit-
rent being paid direct to the
institution in favour of which
the grant was originally made
You would now, if your
proposals are rightly under-
-stood, impose full assess-
-ment upon all such lands
alienated since 1817, the
proceeds to go to the revenues
of the Province.

3. His Excellency the
Governor General in Council
observes that the proposed
revision of the Rules would
undoubtedly

undoubtedly be beneficial
to the revenues of Ireland,
and, on general grounds, there
might be much in favour
of the measure. Nevertheless,
the Rule, as it now stands,
was approved after very deliber-
-ate consideration, and there
appears reason to apprehend
that the absolute and perpetual
sequestration of this income
from the religious services to
which they had been origin-
-ally attached, might be
regarded as a stringent pro-
-ceeding, and might not
improbably

There are indeed many precedents for allowing that a sufficient lapse of time may act as a bar to resumption.

5. These are briefly the views of the Government of India, and I am accordingly to say that, upon the whole, His Excellency the Viceroy is of opinion that it will be expedient not to cancel the Rules that were approved

in

in 1877.

I have the honor to be,

Sir,

Your most obd.t servant

A Mayall

Secretary to the Govt
of India.

No. C.S.

LR39-78-5

Proc^gs of the Ch: Comm^r of Mysore – Rev: Dept^t

Read:— (21) (13)

Letter from the Secretary to the Govt of India, ~~Foreign Department~~, No 75 I.R. dated 13th September 1879.

No 3063-4 dy 23d Oct^r 79
R. 664

Order thereon.

184

21/10

The Government of India having ~~decided~~ decided that the rules in regard to the treatment of alienations of Inam lands belonging to religious and charitable institutions, published in Notification dated the 17th November 1877, should continue to be acted on, the Chief Commissioner cancels the instructions issued in para 4 of his Proceedings dy 14th June 1879, No 942-3 R 169, to hold the above rules in abeyance.

2. Under the ~~4th~~ rules,

of 1877
alienations made
subsequent to 31st
January 1853 are to
be summarily cancelled,
those of more than 50
years' standing prior to 14th Decr [redacted]
1867 are to be respected,
and those of less duration
but of a date prior to
31st January 1853 are to
pay half assessment
direct to the institution
to which the Inam
originally belonged.
The Inam Supt. should
be called upon to
~~report~~ explain how
these last mentioned
cases are recorded in
the Registers and provided
for in the Title Deeds
in order that the Jodi
payable to the Institution
may not be mixed
up with that payable
to the Govt. The cases
perhaps may best
be entered and confirmed